

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CUMMINS, INC.,

Plaintiff,

- against -

MASSMUTUAL HOLDING LLC,  
MASSACHUSETTS MUTUAL LIFE  
INSURANCE CO., OPPENHEIMER  
ACQUISITION CORP., NEW YORK LIFE  
INSURANCE COMPANY, NEW YORK  
LIFE INSURANCE AND ANNUITY  
CORPORATION, RYE INVESTMENT  
MANAGEMENT, RYE SELECT BROAD  
MARKET PRIME FUND L.P., RYE  
SELECT BROAD MARKET XL FUND L.P.,  
RYE SELECT BROAD MARKET  
INSURANCE PORTFOLIO, LDC,  
TREMONT CAPITAL MANAGEMENT,  
INC., TREMONT OPPORTUNITY FUND  
III, L.P., TREMONT (BERMUDA) LTD.,  
TREMONT GROUP HOLDINGS, INC.,  
TREMONT PARTNERS, INC.,

Defendants.  
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CUMMINS, INC.,

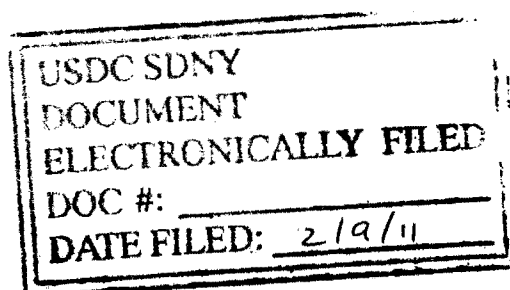
Plaintiff,

- against -

MASSMUTUAL HOLDING LLC,  
MASSACHUSETTS MUTUAL LIFE  
INSURANCE CO., OPPENHEIMER  
ACQUISITION CORP., RYE INVESTMENT  
MANAGEMENT, RYE SELECT BROAD

10 Civ. 9252 (TPG)

**ORDER**



10 Civ. 9251 (TPG)

MARKET PRIME FUND L.P., RYE	:
SELECT BROAD MARKET XL FUND L.P.,	:
TREMONT CAPITAL MANAGEMENT,	:
INC., TREMONT (BERMUDA) LTD.,	:
TREMONT GROUP HOLDINGS, INC.,	:
TREMONT PARTNERS, INC.,	:
	:
Defendants.	:
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The parties have indicated that these matters are related to the consolidated proceedings under docket number 08 Civ. 11117.

Upon review of the complaint, this Court finds that these cases arises out of the same subject matter as the proceedings under 08 Civ. 11117.

By Order dated March 26, 2009, this Court consolidated a number of actions that asserted claims against certain Tremont entities, certain Rye entities, and other defendants, alleging losses ultimately caused by Bernard Madoff. This Court first placed these cases under the master docket, 08 Civ. 11117. The cases were then divided into three groups: (1) cases in which the primary claims are made under the federal securities laws (consolidated for pre-trial proceedings into one "Securities Action" with docket number 08 Civ. 11212), (2) cases in which the claims are based primarily on state law, charging improper investments by partnerships or hedge funds or similar entities (consolidated for pre-trial proceedings into one "State Law Action" with docket number 08 Civ. 11183), and (3) cases in which the claims are based primarily on state law, charging improper investments by insurance companies

(consolidated for pre-trial proceedings into one "Insurance Action" with docket number 09 Civ. 557).

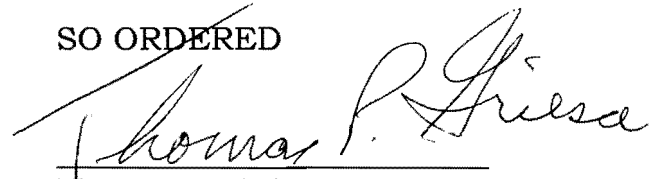
This Order concerns the above-captioned cases, which assert claims against certain Tremont entities, certain Rye entities, and other defendants, based solely on state law, and include allegations that an insurance company improperly invested plaintiff's life insurance. These cases should be consolidated for pre-trial proceedings with the cases charging improper investments by insurance companies. The Clerk of the Court is therefore directed to consolidate this case with the Insurance Action under docket number 09 Civ. 557, and upon doing so, to close the docket in the above-captioned case.

Any document hereinafter filed in connection with the above-captioned case must be filed under the master docket, 08 Civ. 11117. The parties are directed to read this Court's Order and Memorandum, both dated March 26, 2009, which can be found under the master docket. These documents prescribe the requirements for future submissions to this Court.

The deadline for defendants to answer, move or otherwise respond to plaintiffs' complaint is hereby adjourned until thirty days following the filing of an amended consolidated complaint in the Insurance Action.

Dated: New York, New York  
February 9, 2011

SO ORDERED

A handwritten signature in black ink, reading "Thomas P. Griesa". The signature is written in a cursive style with a large, stylized initial 'T' and 'G'. A horizontal line is drawn across the signature.

Thomas P. Griesa  
U.S.D.J.